

REMARKS

Claims 1-3, 8-30, and 34-46 are pending in the application and stand rejected. No claims have been amended in this paper.

REJECTION OF CLAIMS 1-3, 8-30 AND 34-46 UNDER 35 U.S.C. § 103(A)

Claim 1

Claim 1 recites at least one transducer assembly positioned in view of the body cavity and configured to transmit ultrasound to the body cavity, receive at least one echo reflected from surfaces associated with the body cavity; and a computer in signal communication with the at least one transducer assembly, the computer having access to a look-up table of data, the computer being configured to determine at least one harmonic energy level value associated with the at least one echo, the data describing a correspondence between the harmonic energy level value and the fluid volume, and to calculate the fluid volume contained in the body cavity based upon the data.

In contrast, Ganguly and Hatfield, taken either each alone or in combination, fail to teach or suggest a computer having access to a look-up table of data, the data describing a correspondence between a harmonic energy level value and a fluid volume, and configured to calculate the fluid volume contained in the body cavity based upon the data.

In the previously submitted paper, the undersigned incorrectly asserted that the Hatfield reference failed to at all disclose a look-up table. The Examiner is thanked for correcting this assertion. However, the undersigned respectfully submits that the lone mention in Hatfield of a look-up table occurs in column 3, lines 13-16. It is clear from a reading of this passage, as well as the balance of the Background of the Invention portion of Hatfield, that the look-up table described therein is used solely to calculate the mean velocity of blood flow in a subject from

Doppler frequencies. Additionally, in the most recently issued Advisory Action, the Examiner alleges that "Hatfield ... discloses and teaches ... using lookup tables to determine harmonic energy levels with echoes." However, claim 1, as stated above, recites calculating a fluid volume contained in a body cavity, and not harmonic energy levels, using a look-up table of data. Consequently, even if Hatfield did teach the use of look-up tables to determine harmonic energy levels, which, as discussed above, it does not, it is respectfully submitted that such a teaching would be immaterial to the examination of claim 1.

Claims 2-3, 8-15, 17-30 and 34-46 are patentable for reasons at least similar to those discussed above with reference to claim 1.

Because Chalana fails to supply the teachings missing from Ganguly and Hatfield, claim 16 is likewise patentable for at least the reason that it depends from claim 1.

CONCLUSION

Applicant asserts that all pending claims are novel, non-obvious, fully enabled and, accordingly, in condition for allowance. A Notice of Allowance is therefore requested.

If the Examiner has any questions, the Examiner is invited to contact the undersigned.

Respectfully submitted,

BLACK LOWE & GRAHAM^{PLLC}

/P. G. Scott Born/

P. G. Scott Born
Registration No. 40,523
Direct Dial: 206.218.3189